



165-1
JPL

03266.000100 (Formerly JJ-10 072-1US)

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
JEFFREY KENT FREDENBURGH ET AL.)	Examiner: D. Ware
Application No.: 09/726,032)	Group Art Unit: 1651
Filed: November 30, 2000)	
For: ODOR CONTROL AGENT)	November 18, 2004
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		

The PTO did not receive the following
listed items(s) NPL Doc

SECOND INFORMATION DISCLOSURE STATEMENT

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Form PTO-1449. Since the U.S. Patent and Trademark Office waived the requirement under 37 C.F.R. § 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications and for all international applications that have entered the national stage under 35 U.S.C. § 371, no copies of such documents are enclosed.

Copies of the other documents are enclosed.

Also enclosed are documents concerning the opposition of European Patent No. 1 096 959 B1, which issued from the European national phase of parent International Application No. PCT/CA99/00628. These documents include declarations alleging prior sales of *Bacillus* spores for deodorizing carpets, including Bi-Chem® GC 600L, Bi-Chem® MSB 10X and Bi-Chem® Bioclean. Copies of the alleged sales receipts and

brochures for Bi-Chem® GC 600L and Bi-Chem® Bioclean are also enclosed. Applicants do not admit that these brochures and receipts are prior art.

The concise explanation of relevance for the non-English documents may be found, inter alia, in the English language abstracts attached thereto and/or in the enclosed International Search Reports in WO 00/03752 A1; WO 03/056096 A1 and WO 03/064755 A2.

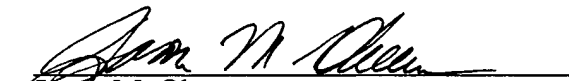
CONCLUSION

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

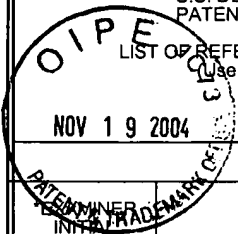
We also enclose a check for the required fee of \$180.00 to cover the Information Disclosure Statement under 37 C.F.R. § 1.97(c)(2).

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

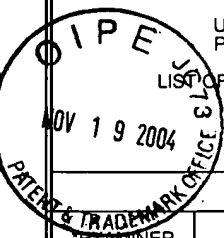

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New York, New York 10112-3800
Facsimile: (212) 218-2200

FORM PTO 1449 (modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT(S) (Use several sheets if necessary)			ATTY DOCKET NO. 03266.000100		APPLICATION NO. 09/726,032		
			APPLICANT Jeffrey Kent Fredenburgh et al.				
			FILING DATE November 30, 2000		GROUP 1651		
U.S. PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO/ OR ABSTRACT
	EP	0 878 202 A2	11/18/98	Europe			
	JP	7-222790	12/26/95	Japan			Abstract
	JP	2-121665	05/09/90	Japan			Abstract
	EP	0 476 915 A2	03/25/92	Europe			
	GB	2 362 814 A	12/05/01	United Kingdom			
	WO	00/63338 A1	10/26/00	International			
	WO	96/19611 A1	06/27/96	International			
	WO	99/46350 A1	06/16/99	International			
	WO	97/25865 A1	07/24/97	International			
	JP	9-28377	02/04/97	Japan			Abstract
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)							
		<u>Chemical Abstracts</u>, vol. 108, no. 19, May 1998, Abstract No. 169120y; XP002122802					
EXAMINER		DATE CONSIDERED					

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Sheet 2 of 2



FORM PTO 1449 (modified)		ATTY DOCKET NO. 03266.000100		APPLICATION NO. 09/726,032	
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		FILING DATE November 30, 2000		GROUP 1651	
U.S. PATENT DOCUMENTS					
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS SUBCLASS FILING DATE IF APPROPRIATE
		4,839,212	07/13/89	Blyth et al.	428 96
		5,741,553	04/21/98	Manolas et al.	427 421
		2003/0089381 A1	05/15/03	Manning, Jr.	134 1 08/23/01
		6,265,191 B1	07/24/01	Mizusawa et al.	435 177 09/14/90
		6,325,934 B1	12/04/01	Stapleton, Jr. et al.	210 606 05/09/00
		5,154,594	10/13/92	Gamlen	119 171
FOREIGN PATENT DOCUMENTS					
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS SUBCLASS TRANSLATION YES/NO/ OR ABSTRACT
	JP	5-153971	06/22/93	Japan	Abstract
	WO	03/064755 A2	08/07/03	International	
	WO	02/33035 A1	04/25/02	International	
	WO	03/056096 A1	07/10/03	International	
	EP	1 096 959 B1	08/27/03	Europe	
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)					
		Hans G. Schegel et al., <u>General Microbiology</u>, 7th ed., p. 83 (1993).			
		Brochure for BI-CHEM® GC 600L			
		Brochure for BI-CHEM® MSB 4X			
		Brochure for BI-CHEM® BIOCLEAR Carpet Cleaner			
EXAMINER			DATE CONSIDERED		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.